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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,081	10/31/2003	Kazuo Okada	SHO-0042	9728

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EXAMINER	
THOMAS, ERIC M	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,081	OKADA, KAZUO	
	Examiner	Art Unit	
	Eric M. Thomas	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/22/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/4/08*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 10/697,027 in view of Weiss (US 6,623,006).

Although the conflicting claims are not identical, they are related to each other because both sets of claims are directed towards a gaming machine that is a variable display device that displays symbols or designs. They also include a front display, where the variable display device can be seen. The two sets of claims have intentionally been arranged so that they are claimed differently and are directed towards the same device except one uses a liquid crystal device panel with a diffusion sheet, while the other uses an electrical display device with the use of windows. However, Weiss provides a gaming machine, which includes an electrical display device, which can be viewed from outside the gaming machine using a rear support for the display. Weiss's gaming machine also comprises of having one or more windows allowing the designs variably displayed in order to expose the light of the display. Therefore, it would have been obvious that these two sets of claims, although are not exactly the same because of the use of different language structure, are designed to describe the same invention.

`This is a provisional obviousness-type double patenting rejection.

Claims 1 - 3 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 - 3 of copending Application No. 10/697,027. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Both sets of claims both discloses a gaming machine that comprises a display device that provides certain symbols or designs. They also include a liquid display panel that is transparent to an electrical display device that is located in front of the reels of the machine. This display uses a light guiding plate so that the gaming machine could produce the symbols or designs as stated above. Basically these two sets of claims were introduced in two different applications and described in different language structure, but directed towards the same invention. Therefore it would be obvious to one of ordinary skill in the art at the time of invention to use either type of display device to perform the same functions as described in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 - 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 6,623,006) in view of Loose (EP 1,260,928).

Regarding claim 1, Weiss provides a gaming machine that comprises a variable display device for variably displaying symbols (mechanical reels, items *64,66,68 of fig.*

2) and an electrical display device with a variable display device (item *20* of fig. 1) which allows the display to be observed from outside the gaming machine (item *54* of fig. 1) using a rear support for the display (col. 3, line 10). Weiss's gaming machine also comprises of having one or more windows allowing the designs variably displayed in order to expose the light of the display (col. 2, lines 9-13). However, Weiss's gaming machine does not discuss if the electric display panel is located in front of the variable display device. In a similar gaming patent, Loose teaches the implementation of electric display device in front of a variable display device. He also teaches the use of a transmissive video display, which allows the user to view the video image without interfering with display device behind it (par. [0020]). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Loose and the gaming machine of Weiss in order to create a gaming machine that included a variable display device and an electric display with one another.

Regarding claim 2, Weiss teaches a game machine wherein the variable display device is one or more rotatable reels each having a reel band, on which said designs are drawn (items *64,66,68* of fig. 2).

Regarding claim 3, Weiss teaches a game machine that is a slot machine (fig. 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Motegi (US 6,817,946) - Virtual image and real image superimposed display device, image display control method, and image display control program.

Sakamoto (US 6,315,663) - Game machine and method with shifting reels in two directions.

Basturk (US 6,600,527) – Display assembly including two superposed display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

EMT